

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JUNE 13, 2016**

**REGULAR MEETING OF THE TOWNSHIP COMMITTEE –7:30 P.M.**

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

Mayor Palombo requested a moment of silence in remembrance of those killed during the recent terror attack in Orlando.

**ROLL CALL**

Edward Barr	Present
John Coggins	Present
Jeffrey Pierson	Present
Hobart Young	Present
Richard Palombo	Present

Also present were Municipal Clerk Barbara Young, Municipal Attorney Daniel Young and Municipal Engineer Paul Dietrich.

**APPROVAL OF MINUTES -**      May 23, 2016 Regular Meeting and  
Closed Session Minutes

Motion by Hobie Young, second by Jeffrey Pierson, to approve the May 23, 2016 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman,** reported that the approval to purchase a beach rescue vehicle and a trailer from the 2016 Capital Improvement Bond is listed on tonight's agenda. He praised Mr. Potter for saving the Township \$5,000.00 on the beach rescue vehicle by finding a demonstration model for sale.

**Hobie Young, Committeeman,** congratulated and thanked Committeeman Coggins, thanked all of the voters for their support, and wished Committeeman Barr a Happy Birthday. He then gave a brief update on the plans for the 4<sup>th</sup> of July event. He next requested a resolution honoring two members of the Upper Township Wrestling team for their performance at the MAWA competition. Lastly, he thanked the members of the Public Works Department for their cleanup efforts at the Strathmere playground.

**Edward Barr, Committeeman**, congratulated Committeemen Young and Coggins for their victory in the primary election. He next inquired if Public Works would be picking up trees and debris from the recent storm. Mr. Dietrich reported that residents should call the Public Works Department to report any downed trees.

**Jeffrey Pierson, Committeeman**, wished Committeeman Barr a Happy Birthday and offered his congratulations to Committeemen Young and Coggins. He next reported that he recently attended a final security meeting for the 4<sup>th</sup> of July event and all plans are ready and in place. He then reported that an emergency drill was held at the Municipal Building and the employees performed very well. Lastly, he reported that members of the Committee recently attended a meeting with the several state officials regarding the Rt 50 Bridge project. He requested that residents be mindful of the redirected traffic pattern for Rt 50 during weekends this summer.

**Richard Palombo, Mayor**, also offered his congratulations to Committeemen Young and Barr. He then reported that during the Memorial Day Services the Committee was presented with a commemorative coin for the 200<sup>th</sup> Anniversary of the American Legion in Upper Township. He then reported that the next Committee Meeting has been rescheduled to June 20<sup>th</sup>. Next he reminded everyone that in addition to the Township's 4<sup>th</sup> of July event at Amanda's Field, there will be a parade in Strathmere on the morning of July 4<sup>th</sup> at 10:30 am. Lastly he reported that the Farmer's Market will begin again this Friday June 17<sup>th</sup> at 3:30 pm.

## **OTHER REPORTS**

**Barbara Young, Municipal Clerk**, congratulated Committeeman Young and Committeeman Coggins for their recent victory in the primary election.

**Daniel Young, Municipal Attorney**, offered his congratulations to Committeemen Young and Coggins as well. He next reported that the Special Events subcommittee has proposed offering different levels of sponsorship for the upcoming 4<sup>th</sup> of July event. They have also proposed having a donation box available at the entrance to the event. He requested that the Committee give their formal authorization for the proposed sponsorship levels and donation box. Motion by John Coggins, second by Edward Barr, to approve the requests. During roll call vote all five Committeemen voted in the affirmative. Mr. Young next reported that there are a few contract negotiation, personnel, and safety and security matters for closed session.

**Paul Dietrich, Municipal Engineer**, gave an update on the Township's Affordable Housing Market to Affordable Program. The Township has taken possession of a market to affordable house and an interested applicant has been interviewed. The applicant has been prequalified for a mortgage, however they do need assistance for the down payment. He requested that the Township allocate \$5,000.00 from the Affordable Housing Trust Fund for a down payment through the Affordability Assistance program. It was stated that more research is necessary on the Affordability Assistance program before authorization can be given.

## **RESOLUTIONS**

1. Appointing members to the Community Emergency Response Team (CERT) of Upper Township for 2016.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N**

**RESOLUTION NO. 135-2016**

**APPOINTING MEMBERS TO THE COMMUNITY EMERGENCY RESPONSE TEAM  
(CERT) OF UPPER TOWNSHIP FOR 2016**

---

**WHEREAS**, former President George W. Bush established a program for volunteerism after the events of September 11, 2001 called the Citizen Corps program; and

**WHEREAS**, the Office of Emergency Management has established a Community Emergency Response Team (CERT) which is part of the Citizen Corps program consisting of various officials and citizens who have completed the required training; and

**WHEREAS**, the Community Emergency Response Team (CERT) Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community; and

**WHEREAS**, Scott G. Morgan, Upper Township Emergency Management Coordinator, has provided a list of trained volunteers to be appointed to the Upper Township Community Emergency Response Team for 2016; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee does hereby officially recognize the Community Emergency Response Team (CERT) of the Citizen Corps as an affiliate group under the direction of the Upper Township Office of Emergency Management; and

3. The following persons are hereby appointed to the Community Emergency Response

Team (CERT) of Upper Township for 2016:

Mike Capito  
Ralph Cooper  
Elisabeth Corona  
Loretta Bagnell

Ray Klotz  
Frank Roach  
Lee Rominiecki  
John C. Pimpinelli

4. The Upper Township Office of Emergency Management will report any changes to the membership of CERT of Upper Township annually to the appropriate federal, state and county agencies and file the active membership list with the Township of Upper's Joint Insurance Fund representative.

Resolution No. 135-2016

Offered by: Palombo

Seconded by: Barr

Adopted: June 13, 2016

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Coggins	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Pierson	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Young	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

2. Authorizing the release of a Performance Guaranty and the acceptance of a two year Maintenance Guaranty from Cedar Villas, Inc. for the Major Subdivision project known as "Extension of Meghan Lane", Block 453, Lots 240, 241, and 242.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 136-2016**

**RE: AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTY AND  
THE ACCEPTANCE OF A 2 YEAR MAINTENANCE GUARANTY OF  
OWNER AND/OR DEVELOPER: CEDAR VILLAS, INC.  
MAJOR SUBDIVISION: EXTENSION OF MEGHAN LANE  
PROPERTY: BLOCK 453, LOTS 240-242**

---

**WHEREAS**, Cedar Villas, Inc. (hereinafter "Developer"), has heretofore requested acceptance of a Maintenance Guaranty for the major subdivision project known as "Extension of Meghan Lane"; and

**WHEREAS**, Developer has completed all work in conformance with the plans and specifications for the project known as Extension of Meghan Lane Major Subdivision as certified and inspected by the Township Engineer and the Performance Guaranty now held by the Township should be released; and

**WHEREAS**, Developer is required to furnish a Maintenance Guaranty for the aforesaid project; and

**WHEREAS**, said Maintenance Guaranty shall be for two (2) years in an amount equal to 15% of the original construction value of \$544,158.50 or \$81,623.70 in accordance with the Township of Upper Municipal Ordinance No. 19 of 1989;

**WHEREAS**, pursuant to N.J.S.A. 40:55D-53, the Developer is required to post a Maintenance Guaranty; and

**WHEREAS**, the Developer has presented to the Township a Maintenance Guaranty as follows:

Irrevocable Standby Letter of Credit (Maintenance)

Letter of Credit No. 26011

Principal: Cedar Villas, Inc.  
495 Kings Highway  
Cape May Court House, NJ 08210

Issued By: Newfield National Bank  
18-24 West Boulevard  
Newfield, NJ 08344

Maintenance, Cash: \$ 8,162.37

Maintenance, Letter of Credit: \$73,461.33

Letter of Credit Date: May 2, 2016

**WHEREAS**, the Municipal Attorney has reviewed the Maintenance Guaranty and has determined that the same complies with the New Jersey Statutes and the Township

Ordinances applicable thereto and has recommended the acceptance of same by the Township Committee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Maintenance Guaranty described in this Resolution is hereby accepted and approved.
3. The Performance Guaranty now held by the Township is hereby released.
4. All Township officials and officers are hereby authorized and empowered to take all actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 136-2016

Offered by: Pierson

Seconded by: Barr

Adopted: June 13, 2016

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	___	___	___
Coggins	<u>X</u>	___	___	___
Pierson	<u>X</u>	___	___	___
Young	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

3. Authorizing a professional services contract with Jersey Web Design and Francis E. Corcoran for the maintenance and development of the Upper Township Internet Web Site and other technology related tasks.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N**

**RESOLUTION NO. 137-2016**

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH JERSEY  
WEB DESIGN AND FRANCIS E. CORCORAN FOR THE MAINTENANCE AND  
DEVELOPMENT OF THE UPPER TOWNSHIP INTERNET WEB SITE AND  
OTHER TECHNOLOGY RELATED TASKS**

---

**WHEREAS**, the Township of Upper maintains an internet web site which requires routine maintenance and web site enhancement, including but not limited to the development of new pages, information, and data for the web site; and

**WHEREAS**, from time to time the Township is also in need of computer maintenance and other technology related tasks; and

**WHEREAS**, Jersey Web Design and Francis E. Corcoran possess the requisite skill and knowledge to perform these services; and

**WHEREAS**, the Township has decided to acquire the services of Jersey Web Design as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Jersey Web Design and Francis E. Corcoran have completed and submitted a Business Entity Disclosure Certification which certifies that Jersey Web Design and Francis E. Corcoran have not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Jersey Web Design and Francis E. Corcoran from making any contributions through the term of the contract; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. Jersey Web Design and Francis E. Corcoran with offices at 5 Sheila Avenue, Ocean View, New Jersey 08230, are hereby appointed by the Township of Upper for the purposes as specified in this Resolution and the attached professional services agreement.
3. This contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Jersey Web Design and Francis E. Corcoran have professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

#### NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Jersey Web Design and Francis E. Corcoran for maintenance of the Upper Township internet web site and other technology related tasks. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

7. Jersey Web Design and Francis E. Corcoran have registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Service Agreement with Jersey Web Design and Francis E. Corcoran in accordance with the terms and provisions of the



Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto-said contract shall become effective.

9. A notice of this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

10. This Resolution shall be effective as of adoption.

Resolution No. 137-2016

Offered by: Young                      Seconded by: Coggins

Adopted: June 13, 2016

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Coggins	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Pierson	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Young	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Palombo	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>

4. Appointing Michelle Sampson as Senior Emergency Medical Technician to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N**

**RESOLUTION NO. 138-2016**

**RE: APPOINTING MICHELLE SAMPSON AS SENIOR EMERGENCY MEDICAL  
TECHNICIAN TO THE UPPER TOWNSHIP  
DIVISION OF EMERGENCY MEDICAL SERVICES**

---

**WHEREAS**, there is a need by the Township of Upper to appoint a Senior Emergency Medical Technician to the Division of Emergency Medical Services.

**WHEREAS**, the Township Committee has duly considered the matter and has determined that Michelle Sampson possesses all of the requisite qualifications for appointment to said position; and

**WHEREAS**, the Township Committee is of the further opinion that Michelle Sampson is a competent, fit and suitable person for appointment to the hereinafter designated position.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. Michelle Sampson is hereby appointed to the position of Senior EMT to the Division of Emergency Medical Services of the Township of Upper effective June 24, 2016 at an annual salary of \$56,399.00.
3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 138-2016

Offered by: Pierson

Seconded by: Barr

Adopted: June 13, 2016

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Coggins	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Pierson	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Young	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

5. Authorizing the purchase of certain items from the 2016 Capital Improvement Bond Ordinance in the amount of \$29,060.80.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N**

**RESOLUTION NO. 139-2016**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE  
2016 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$29,060.80**

---

**WHEREAS**, it is necessary for the Township of Upper to make certain capital purchases; and

**WHEREAS**, the Township Committee adopted the 2016 Capital Improvement Bond Ordinance 08-2016 on April 25, 2016; and

**WHEREAS**, the Township's QPA has reviewed and approved the quotes for the 2013 Brutus Beach Rescue Vehicle from Teixeira's Polaris and a Tandem Axle Enclosed Trailer from FDR Hitches listed on Exhibit A; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of the acquisition with Teixeira's Polaris for the year 2016 will exceed \$17,500; and

**WHEREAS**, Teixeira's Polaris has completed and submitted a Business Entity Disclosure Certification which certifies that Teixeira's Polaris have not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Teixeira's Polaris from making any reportable contributions through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of the items listed on Exhibit "A" in the amount of \$29,060.80 from the 2016 Capital Improvement Bond.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 139-2016

Offered by: Coggins

Seconded by: Barr

Adopted: June 13, 2016

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u>X</u>	_____	_____	_____
Coggins	<u>X</u>	_____	_____	_____
Pierson	<u>X</u>	_____	_____	_____
Young	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

## Exhibit “A”

2013 Brutus Beach Rescue Vehicle Vendor: Teixeira’a Polaris	\$19,070.40
Tandem Axle Enclosed Trailer Vendor: FDR Hitches	\$ 9,990.40
<b>TOTAL</b>	<b>\$29,060.80</b>

### 6. Appointing additional 2016 Season Beach Patrol personnel.

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N

RESOLUTION NO. 140-2016

RE: APPOINTING ADDITIONAL 2016 SEASON BEACH PATROL PERSONNEL

---

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.

2. The following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

RETURNING GUARDS

JOHN O’HARA	\$13.50 per hour
JON O’NEIL	\$13.50 per hour

ROOKIE GUARDS

BROOKE HANDLEY	\$12.00 per hour
GRACE STEELE	\$12.00 per hour
LOGAN PIERPOINT	\$12.00 per hour
BRETT LEVERING	\$12.00 per hour
NICK DIMARCO	\$12.00 per hour
TOM HENRY	\$12.00 per hour
NICOLETTE BRADY	\$12.00 per hour

Resolution No. 140-2016

Offered by: Barr

Seconded by: Pierson

Adopted: June 13, 2016

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>			
Coggins	<u>X</u>			
Pierson	<u>X</u>			
Young	<u>X</u>			
Palombo	<u>X</u>			

7. Tax Refund Block 599, Lot 16, C049.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 141-2016**

**TAX REFUND  
BLOCK 599, LOT 16, C049**

---

WHEREAS, certain corrections have been recommended by the  
Upper Township Tax Collector in order to refund monies,

NOW, THEREFORE BE IT RESOLVED, by the Township  
Committee of the Township of Upper, Cape May County, that corrections to the  
Tax records are hereby authorized and the Tax Collector is hereby directed to  
correct said records or take such action as indicated on the attached sheet.

Resolution No. 141-2016

Offered by: Coggins

Seconded by: Pierson

Adopted: June 13, 2016

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
BARR	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
COGGINS	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
PIERSON	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
YOUNG	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
PALOMBO	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

**REFUND 5/09/2016 WIPP PAYMENT**

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
599/16/-C049	\$365.06	Philip Eberhard 303 Sunflower Drive Egg Harbor Twp., NJ 08234

2<sup>nd</sup> Quarter property taxes were paid twice in error.

8. Authorizing a Notice of Violation and Abatement of Nuisance pursuant to Township Code Section 11-1.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N**

**RESOLUTION NO. 142-2016**

**RE: AUTHORIZING A NOTICE OF VIOLATION AND ABATEMENT OF NUISANCE  
PURSUANT TO TOWNSHIP CODE SECTION 11-1**

---

**WHEREAS**, pursuant to Township Code Section 11-1, the Township Committee is empowered to enforce the removal of public health hazards, safety hazards, fire hazards and nuisances, including the clearing of obnoxious growths, filth, garbage, trash and debris; and

**WHEREAS**, the Upper Township zoning officer has determined that the properties listed and attached hereto as Exhibit A each contain a public nuisance, obnoxious growths, filth, garbage, trash or debris as indicated which must be removed; and

**WHEREAS**, pursuant to Upper Township Code Section 11-1 and N.J.S.A. 40:48-2.13, the Township Committee is authorized to cause a Notice of Violation to be sent to each owner

and/or foreclosing lien holder describing the violation and stating that unless the violation is abated, removed and remedied within 10 days from the date of such notice the violation shall be abated, removed and remedied by the Township and the cost thereof shall be assessed as a lien against said land; and

**WHEREAS**, the Township Committee has determined that said Notice of Violation shall be served upon each owner and/or foreclosing lien holder forthwith; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The zoning officer is hereby directed to serve a Notice of Violation pursuant to Township Code Section 11-1 describing the violation and nuisance upon each owner and/or foreclosing lien holder of the properties listed on Exhibit A, attached hereto.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 142-2016

Offered by: Barr

Seconded by: Pierson

Adopted: June 13, 2016

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	___	___	
Coggins	<u>X</u>	___	___	
Pierson	<u>X</u>	___	___	
Young	<u>X</u>	___	___	
Palombo	<u>X</u>	___	___	

9. Authorizing the Mayor to sign and submit an online application to .Gov Domain Registration C/O Verisign, Inc. 12061 Bluemont Way, Reston, Virginia to request a .Gov Domain name for the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N**

**RESOLUTION NO. 143-2016**

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN ONLINE APPLICATION  
TO .GOV DOMAIN REGISTRATION C/O VERISIGN, INC. 12061  
BLUEMONT WAY, RESTON, VIRGINIA TO REQUEST A .GOV DOMAIN  
NAME FOR THE TOWNSHIP OF UPPER**

---

**WHEREAS**, the Township of Upper wishes to request a .Gov domain name; and

**WHEREAS**, in order to register the domain name, Township officials must execute and submit an application to .Gov Domain Registration c/o Verisign, Inc. of 12061 Bluemont Way, Reston, Virginia 20190; and

**WHEREAS**, the .Gov domain name will established for the purpose of the Township's official website and email, and will be used in compliance with the Township's Communication Media Policy as set forth in the Township of Upper Employee Handbook ; and

**WHEREAS**, the Township of Upper hereby agrees to the annual .Gov domain fee in the amount of \$125.00; and

**WHEREAS**, in the event the Township of Upper wishes to retire the .Gov domain name a written request to Registrar@dotgov.gov is required.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor of the Township of Upper is hereby authorized, directed and empowered to sign and submit an electronic application to .Gov Registration c/o Verisign, Inc. 12061 Bluemont Way, Reston, Virginia 20190 on behalf of the Township of Upper.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 143-2016

Offered by: Barr

Seconded by: Pierson

Adopted: June 13, 2016

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Coggins	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>



Pierson	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Young	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Palombo	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>

10. Amending the Official Organizational Chart for the Township of Upper and Amending Resolution No. 02-2016 Establishing Departments.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N**

**RESOLUTION NO. 144-2016**

**AMENDING THE OFFICIAL ORGANIZATIONAL CHART FOR  
THE TOWNSHIP OF UPPER AND AMENDING RESOLUTION NO. 02-2016  
ESTABLISHING DEPARTMENTS**

---

**WHEREAS**, The Township of Upper finds it necessary to revise and update the Official Organizational Chart for the Township of Upper; and

**WHEREAS**, the aforesaid chart entitled “*Township of Upper Organizational Chart*” is attached hereto as Exhibit “A” and is available for inspection;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee has determined that the chart attached as Exhibit “A” and identified as the “*Township of Upper Organizational Chart*” is hereby accepted and designated on June 13, 2016 as the official Organizational Chart until such time as amended by the Township Committee.
3. No. 02-2016 is hereby amended to indicate Hobart Young and Edward Barr are the members of the Township Committee jointly assigned to oversee the operation of the Department of Public Works. Hobart Young shall oversee Department matters relating to buildings, grounds and athletic fields in consultation and agreement with Edward Barr when issues arise with respect to the joint use of Department resources and personnel.

Resolution No. 144-2016

Offered by: Young

Seconded by: Coggins

Adopted: June 13, 2016

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	_____	_____	_____
Coggins	<u>X</u>	_____	_____	_____
Pierson	<u>X</u>	_____	_____	_____
Young	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

11. Renewal of Alcoholic Beverage Licenses for the license year 2016.

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N

RESOLUTION NO. 145-2016

RE: RENEWAL OF ALCOHOLIC BEVERAGE LICENSES  
FOR THE LICENSE YEAR 2016

---

WHEREAS, holders of the alcoholic beverage licenses in the Township of Upper have applied for renewal of licenses in the prescribed manner; and

WHEREAS, said holders of alcoholic beverage licenses have complied with all requirements of law and regulations of the Division of Alcoholic Beverage Control ("Division"); and

WHEREAS, no objections have been filed with the Township Committee as the issuing authority of the Township of Upper.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey, that the following licenses be authorized for issue for the license year effective July 1, 2016:

Twisties, Inc.  
T/A Twisties  
236 Bayview Drive  
Strathmere, N.J. 08248  
P.O. Box 88, Marmora, NJ 08223  
License # 0511-33-001-005  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

Tyan's Incorporated  
T/A Tuckahoe Inn  
1 Harbor Rd. and Route 9, Beesleys Point  
Marmora, N.J. 08223  
License # 0511-33-004-005  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

SJL Group, LLC  
T/A Yesterdays  
316 Roosevelt Blvd. (Southwest Side)  
Marmora, N.J. 08223  
License # 0511-32-005-005  
Plenary Retail Consumption License with  
Broad Package Privilege  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

UMMAC Corp.  
T/A Obadiah's  
311-301 & 321 Roosevelt Blvd,  
Marmora, N.J. 08223  
License # 0511-33-007-008  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

MAH, Inc. a N.J. Corp.  
T/A Seaville Tavern  
South Side Route 50 and New Bridge Road  
Ocean View, N.J. 08230  
Three Crescent Dr. Philadelphia, PA 19112  
License # 0511-33-008-004  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

Deauville Inn, Inc.  
201 Willard Road  
P.O. Box 40  
Strathmere, N.J. 08248  
License # 0511-33-003-006  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

Boulevard Liquor Store, Inc.  
T/A Boulevard Liquor Store  
501 & 503 Roosevelt Boulevard  
Marmora, N.J. 08223

License # 0511-44-002-003  
Plenary Retail Distribution License  
Municipal Fee Paid: \$400.00  
State Fee Paid: \$200.00

BE IT FURTHER RESOLVED that the aforesaid alcoholic beverage licenses which have been authorized to be issued pursuant to this Resolution shall be delivered to the licensee or his authorized agent at such time as the licensee or his authorized agent shall sign an actual receipt therefore in the stub of the license book and otherwise satisfy the requirements of N.J.A.C. 13:2-3.2.

Resolution No. 145-2016

Offered by: Pierson

Seconded by: Barr

Adopted: June 13, 2016

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u>X</u>	_____	_____	_____
Coggins	<u>X</u>	_____	_____	_____
Pierson	<u>X</u>	_____	_____	_____
Young	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

12. Approving the Countywide Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N**

**RESOLUTION NO. 146-2016**

**RE: APPROVING THE COUNTYWIDE MULTI-JURISDICTIONAL  
ALL HAZARD PRE-DISASTER MITIGATION PLAN**

---

**WHEREAS**, the property owners of Cape May County experience a high rate of repetitive property losses caused mainly by flooding and they reside in a unique geographic location that could experience a variety of natural and man-made disasters; and

**WHEREAS**, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

**WHEREAS**, the County of Cape May received a grant through the New Jersey Office of

Emergency Management from the Federal Emergency Management Agency (FEMA) to develop a Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan to mitigate the potential life and property losses associated with man-made and natural disasters; and

**WHEREAS**, the Cape May County Multi-Jurisdictional All Hazards Mitigation Plan Update (May 2016) includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

**WHEREAS**, the draft plan was presented and discussed at the Township Committee on April 11, 2016, at the Planning Board on March 17, 2016 and at the Upper Township Green Team meeting on March 8, 2016; and

**WHEREAS**, the draft plan was provided to each participating jurisdiction and was posted on the County Hazard Mitigation Plan Update website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law; and

**NOW, THEREFORE, BE IT RESOLVED** the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey that:

1. The Cape May County Multi-Jurisdictional All Hazards Mitigation Plan Update (May 2016), as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on May 24, 2016 by Cape May County is hereby adopted as an official plan of the Township of Upper; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The various municipal departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township of Upper, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Upper Township Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Cape May County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

Resolution No. 146-2016

Offered by: Pierson

Seconded by: Barr

Adopted: June 13, 2016

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Coggins	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Pierson	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Young	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

### **ORDINANCES**

13. Public hearing and final adoption of Ordinance No. 010-2016 RE: AN ORDINANCE AUTHORIZING THE GRANT OF A DRAINAGE EASEMENT TO THE COUNTY OF CAPE MAY ALONG BELCROFT AVENUE AT THE INTERSECTION OF NEW BRIDGE ROAD, UPPER TOWNSHIP, NEW JERSEY. **During the public hearing portion there were no speakers. Motion by Jeffrey Pierson, second by Edward Barr, to adopt Ordinance 010-2016. During roll call vote all five Committeemen voted in the affirmative.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E**

**ORDINANCE NO. 010-2016**

**RE: AN ORDINANCE AUTHORIZING THE GRANT OF  
A DRAINAGE EASEMENT TO THE COUNTY OF CAPE MAY ALONG  
BELCROFT AVENUE AT THE INTERSECTION OF NEW BRIDGE ROAD, UPPER  
TOWNSHIP, NEW JERSEY**

---

**WHEREAS**, the County of Cape May with an office at 4 Moore Road, Cape May Court House, New Jersey has submitted a proposed Declaration of Easement (Drainage) to the Township of Upper which provides for a drainage easement along the right of way of an Upper Township road commonly known as Belcroft Avenue, Upper Township, Cape May County, New Jersey; and

**WHEREAS**, this easement is for the express public purpose of allowing drainage improvements to be constructed, and maintained, by the County to connect to County drainage facilities at New Bridge Road; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-13.4 said easement may be granted by the Township for nominal consideration; and

**WHEREAS**, the Township Committee of the Township of Upper has determined it is in the best interest of the Township to grant said Declaration of Easement for nominal consideration and authorize the execution of same; and

**WHEREAS**, the Declaration of Easement has been reviewed and approved by the Municipal Attorney and the Municipal Engineer and will be on record in the office of the Township Clerk available for public inspection.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

**SECTION 1.** The Township of Upper is hereby authorized to grant to the County of Cape May, for nominal consideration, a drainage easement over the road commonly known as Belcroft Avenue, Upper Township, Cape May County, New Jersey as set forth in the Declaration of Easement attached hereto as Exhibit A.

**SECTION 2.** The Mayor, Township Clerk and other Township officers and representatives are hereby authorized, directed and empowered to execute the Declaration of Easement on behalf of the Township of Upper along the Township's road commonly known as Belcroft Avenue, Upper Township, Cape May County, New Jersey, as more particularly described in Exhibit A attached hereto.

**SECTION 3: SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication

shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 4. EFFECTIVE DATE:** This ordinance shall take effect immediately upon adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9<sup>TH</sup> DAY OF MAY, 2016 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 13<sup>TH</sup> DAY OF JUNE, 2016 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK

TOWNSHIP OF UPPER

14. **Introduction and first reading of Ordinance No. 011-2016 RE: AMENDING REVISED GENERAL ORDINANCE CHAPTERS XIX (LAND SUBDIVISION, SITE PLAN AND LAND USE ADMINISTRATION) AND XX (ZONING) OF THE CODE OF UPPER TOWNSHIP.** The Municipal Attorney stated that this Ordinance addresses the recommendations from the Zoning Board. Motion by John Coggins, second by Edward Barr, to introduce Ordinance No. 011-2016 with the public hearing and final adoption scheduled for July 11, 2016. During roll call vote all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E**



**ORDINANCE NO. 011-2016**

**RE: AMENDING REVISED GENERAL ORDINANCE CHAPTERS XIX (LAND  
SUBDIVISION, SITE PLAN AND LAND USE ADMINISTRATION) AND XX  
(ZONING) OF THE CODE OF UPPER TOWNSHIP**

---

**WHEREAS**, the Township Committee desires to amend land subdivision, site plan, land use administration and zoning; and

**WHEREAS**, Township Committee and the Upper Township Planning Board have identified elements in the Land Subdivision, Site Plan and Land Use Administration and Zoning ordinance that need modification, including clarification of zoning districts requiring sidewalks, penalty for violation of site plan provisions and existing non-confirming lot criteria; and

**BE IT ORDAINED** by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

**SECTION 1.** Chapter 19 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

***19-7.4 Sidewalks.***

Replace in its entirety Section 19-7.4a:

- a. Sidewalks shall be provided in the following zones as designated in the Upper Township Zoning Ordinance:\*
- |     |                    |
|-----|--------------------|
| RR  | Resort Residential |
| RC  | Resort Commercial  |
| TC  | Town Center        |
| TCC | Town Center Core   |
| TV  | Tuckahoe Village   |

**19-10 PENALTY.**

Replace in its entirety Section 19-10

### **10.1 Transfer or Sale of Land Prior to Final Approval.**

- a. If, before final subdivision approval has been granted, any party transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by ordinance pursuant to this act, then such person shall be subject to a penalty as described below.
- b. **Civil Action Instituted by Township.**  
In addition to the foregoing, the Municipality may institute and maintain a civil action:
  - (1). For injunctive relief.
  - (2). To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.
- c. **Entitlement to Lien.**  
In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors to secure the return of any deposit made or purchase price paid and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument or transfer, sale or conveyance of said land or within six (6) years, if unrecorded.

### **10.2 Site Plan Approval.**

- a. If, before site plan approval has been granted any party clears any trees or underbrush from a lot, or changes any use on a property, or begins construction of any storage yard, building, structure or addition thereto, then such person shall be subject to a penalty as described below.
- b. Property owner shall be responsible for maintaining all improvements as shown on the approved final site plan approval and contained in the approving resolution. Any such person violating this section shall be subject to a penalty as described below.

### **10.3 Penalty**

Any person(s) who is found to be in violation of the provisions of this Chapter shall be subject to a fine in the minimum amount of five hundred (\$500.00) dollars and not to exceed one thousand (\$1,000.00) dollars for each day. Except as otherwise provided, each and every day in which a violation of any provision of this Code or any other ordinance of the Township exists shall constitute a separate violation.

**SECTION 2.** Chapter 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

***Section 20-5.6g2(a) Nonconforming Uses, Structures and Lots.***

Replace in its entirety Section 20-5.6g2(a):

- g. Any lots situated in the "AR," "C," "RR," "R," "R2," "TV," "TR," "PV," "RD," "F3," "F10," or "F25" Districts which:
1. No change.
  2. Has a minimum frontage and width of one hundred (100') feet and a minimum area of thirty thousand (30,000) square feet; or has a minimum frontage of one hundred twenty (120') feet and a minimum area of twenty thousand (20,000) square feet; or is a developed residential lot that has an existing legally occupied structure; may have a construction permit issued for use permitted in the zoning district provided each of the following conditions are met:
    - (a) Such a lot shall have been created by a subdivision plat or deed duly recorded in the Office of the Cape May County Clerk on or before August 31, 1986 or if situated in the "AR" District on or before October 9, 2007, which plat or deed shall clearly designate the lot as an individual parcel of land having either a minimum frontage and width of one hundred (100') feet and a minimum area of thirty thousand (30,000) square feet or a minimum frontage and width of one hundred twenty (120') feet and a minimum area of twenty thousand (20,000) square feet; or is an existing developed lot; and

**SECTION 3: EFFECTIVE DATE:** This ordinance shall take effect immediately upon adoption and publication as required by law.

**SECTION 4: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 5: SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 6: CODIFICATION:** This Ordinance shall be codified as indicated in Chapters 19 and 20 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 13th DAY OF JUNE, 2016 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 11th DAY OF JULY, 2016 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

#### **CORRESPONDENCE**

#### **NEW BUSINESS**

15. **Greater Tuckahoe Area Merchants Association request to hold a Kayak raffle at the Tuckahoe Beach on August 7, 2016 at 1:00 pm.** Motion by John Coggins, second by Hobie Young, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
16. **Application for Temporary Liquor License Permit.** Motion by John Coggins, second by Jeffrey Pierson, to authorize the Clerk to sign a Temporary Liquor License Permit application if needed. During roll call vote all five Committeemen voted in the affirmative.
17. **The ALS Association Greater Philadelphia Chapter annual ALS Express Bike Ride on June 18, 2016.** Motion by Hobie Young, second by Jeffrey Pierson, to approve the event. During roll call vote all five Committeemen voted in the affirmative.

#### **UNFINISHED BUSINESS**

18. **Upper Township School District 2016/17 Summer Project Request.** The Municipal Engineer reported that the School has requested the Township's assistance for three projects: Engineering services for a curbing and paving project at the Middle School, Stucco of the Middle School Courtyard, and installation of VCT tile in the Middle School. The Engineer recommended that the Township accommodate the

school for the first two projects. However, due to staffing issues and ongoing Township projects, the installation of the VCT tile would not be feasible for the Township to complete this summer. Motion by Edward Barr, second by John Coggins, to approve the request for engineering services for the Middle School paving project and the Stucco of the Middle School Cafeteria Courtyard. During roll call vote all five Committeemen voted in the affirmative.

## **DISCUSSION**

## **PAYMENT OF BILLS**

19. "I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting." **Motion by John Coggins, second by Richard Palombo. During roll call vote all five Committeemen voted in the affirmative.**

**Bills approved for payment: \$403,515.20**

**Payroll: \$ 151,462.67**

## **REPORT OF MUNICIPAL DEPARTMENTS**

- 20. Construction Code
- 21. Clerk's Office
- 22. Animal Control
- 23. Tax Assessor
- 24. Municipal Court
- 25. Finance Office
- 26. MUA
- 27. Tax Office
- 28. EMS

Motion by Richard Palombo, second by John Coggins, to accept the reports as submitted. During roll call vote all five Committeemen voted in the affirmative. Copies of the reports are available in the Clerk's Office.

## **PUBLIC COMMENT**

**Mark Kelly, Marshallville Rd** - complained about the noise from the centerline rumble strips that have been installed on several State Highways. He asked that the Township request the State to not install the centerline rumble strips along the sections of Rt 49 between Rt 50 and Woodbine Road where passing is allowed. It was stated that the Township has already requested that area of Rt 49 to be a no passing zone. There was a general consensus to support a resolution reaffirming the request for the section of Rt 49 between Rt 50 and Woodbine Road to be designated as No Passing.

## **CLOSED SESSION**

29. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.

**TOWNSHIP OF UPPER  
RESOLUTION NO. 147-2016  
MOTION GOING INTO CLOSED SESSION  
JUNE 13, 2016**

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

**MATTERS:**

1. Contract negotiation – Louis Bonato
2. Contract negotiation – Barker, Gelfand & James
3. Contract negotiation – Shared Services Agreement with Ocean City for EMS and Fire Suppression to Strathmere
4. Contract negotiation – Shared Services Agreement with Cape May County for Fleet Maintenance
5. Contract negotiation – Collective Bargaining Agreement
6. Personnel
7. Safety and Security

I also include in my motion the estimated time and the circumstances under which the discussion conducted in closed session can be disclosed to the public as follows:

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Moved by: John Coggins

Motion seconded by: Richard Palombo

During roll vote all five Committee members voted in the affirmative

**RECONVENE PUBLIC PORTION OF MEETING**

Motion by John Coggins, second by Richard Palombo, to reconvene the public portion of the meeting with all five Committee members voting in the affirmative.

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 9:44 P.M., with a motion by John Coggins, second by Hobie Young, to adjourn with all five members voting in the affirmative. The next regular meeting is scheduled for June 20, 2016 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC

## Bill List

67242	06/13/16	A0018	ACTION SUPPLY INC.	56.70	2927
67243	06/13/16	A0025	ADVANTAGE RENTAL ACE HARDWARE	914.47	2927
67244	06/13/16	A0027	ACE PLUMBING SUPPLY, INC	100.95	2927
67245	06/13/16	A0091	ATLANTIC CITY ELECTRIC	21,421.68	2927
67246	06/13/16	A0125	AVALON WEED & INSECT CONTROL	999.00	2927
67247	06/13/16	A0134	ANSELL GRIMM & AARON, PC	3,727.50	2927
67248	06/13/16	A0137	ADVANTAGE EQUIPMENT SERVICE	487.50	2927
67249	06/13/16	A0191	ACTION UNIFORM CO. LLC	384.00	2927
67250	06/13/16	A0193	ATLANTIC INVESTIGATIONS, LLC	2,188.00	2927
67251	06/13/16	A0200	USLIFE INS CO OF NY	192.41	2927
67252	06/13/16	A0208	ATLANTIC IRRIGATION SPEC INC	354.65	2927
67253	06/13/16	B0035	BELMONT & CRYSTAL SPRINGS	212.83	2927
67254	06/13/16	B0093	BARRY, CORRADO, GRASSI, P.C.	2,205.00	2927
67255	06/13/16	B0182	BRIGGS LAW OFFICE, P.C.	1,004.02	2927
67256	06/13/16	C0031	CAPE ASSIST	1,800.00	2927
67257	06/13/16	C0046	CAPE MAY COUNTY CLERK	8.00	2927
67258	06/13/16	C0061	CAPRIONI FAMILY SEPTIC	350.00	2927
67259	06/13/16	C0068	COMCAST	670.31	2927
67260	06/13/16	C0116	CINTAS CORPORATION	36.95	2927
67261	06/13/16	C0126	CMC PUBLIC WORKS ASSOC.	100.00	2927
67262	06/13/16	C0143	CODY'S POWER EQUIPMENT	54.99	2927
67263	06/13/16	C0223	CASA PAYROLL SERVICE	589.50	2927
67264	06/13/16	C0242	CORE MECHANICAL, INC.	587.48	2927
67265	06/13/16	C0245	CLEGG'S GARAGE, INC.	972.77	2927
67266	06/13/16	C0246	CRAFT OIL CORPORATION	660.00	2927
67267	06/13/16	C0247	CMRS-FP	4,000.00	2927
67268	06/13/16	C0278	TIFFANY A. CUVIELLO, PP, LLC	1,625.00	2927
67269	06/13/16	D0082	DOWNSTOWN AIRPORT INC	4,492.40	2927
67270	06/13/16	E0012	EHRLICH PEST CONTROL INC	166.00	2927
67271	06/13/16	G0014	GARDEN STATE HWY PRODUCTS INC.	550.00	2927
67272	06/13/16	G0016	GARDNER HARDWARE INC.	49.48	2927
67273	06/13/16	G0028	GENTILINI FORD	507.38	2927
67274	06/13/16	G0047	GILLESPIE, PAUL J. INC.	860.00	2927
67275	06/13/16	G0092	GRUND, BARBARA J.	142.05	2927
67276	06/13/16	G0124	GRIFFIN AUTOMOTIVE INFO SVC	2,900.00	2927
67277	06/13/16	G0141	GENTILINI CHEVROLET	212.52	2927
67278	06/13/16	G0147	GREATAMERICA FINANCIAL SVCS.	176.97	2927
67279	06/13/16	G0157	GRANTURK EQUIPMENT CO., INC.	176.38	2927
67280	06/13/16	H0002	H.A. DEHART & SON CORP.	226.80	2927
67281	06/13/16	H0018	HAROLD RUBIN L & H SUPPLY	798.71	2927
67282	06/13/16	H0073	HOME DEPOT CRC/GECF	819.13	2927
67283	06/13/16	H0095	HORIZON BCBSNJ	140,074.09	2927
67284	06/13/16	H0131	HPI PROCESSES, INC	1,072.00	2927
67285	06/13/16	H0135	HANSON AGGREGATES, INC.	646.93	2927
67286	06/13/16	H0148	THOMAS H. HEIST INS AGENCY INC	1,843.65	2927
67287	06/13/16	I0019	INTERNATIONAL CODE COUNCIL, INC	68.00	2927
67288	06/13/16	J0072	JERSEY WEB DESIGNS	3,368.94	2927
67289	06/13/16	K0080	KOHLER'S AUTO GLASS	210.00	2927
67290	06/13/16	L0007	LC EQUIPMENT, INC.	60.00	2927

67291 06/13/16 M0080 McMANIMON, SCOTLAND & BAUMANN 667.50 2927  
67292 06/13/16 M0121 McCROSSON, JANET 239.78 2927  
67293 06/13/16 M0180 MED-TECH RESOURCE,LLC 209.52 2927  
67294 06/13/16 M0193 MAYNE, MICHAEL 179.92 2927  
67295 06/13/16 M0209 MAYBERRY, JOHN D 134.99 2927  
67296 06/13/16 N0004 NJ-AMERICAN WATER CO. 126.02 2927  
67297 06/13/16 N0022 N.J. ASSOC. P.H.C.C. 97.00 2927  
67298 06/13/16 N0043 NAPA AUTO PARTS 0.00 06/13/16 VOID 0  
67299 06/13/16 N0043 NAPA AUTO PARTS 1,096.18 2927  
67300 06/13/16 N0100 N.J. LEAGUE OF MUNICIPALITIES 40.00 2927  
67301 06/13/16 N0107 N.J.DIV ALCHOLOIC BEV CONTROL 24.00 2927  
67302 06/13/16 N0131 DEFINED CONTRIB RETIRE PROGRAM 167.96 2927  
67303 06/13/16 P0032 PEDRONI FUEL CO. 1,780.00 2927  
67304 06/13/16 P0036 PENNELLO,DAVID 18.99 2927  
67305 06/13/16 P0056 TURF EQUIPMENT AND SUPPLY CO 71.16 2927  
67306 06/13/16 P0076 POSTMASTER-TUCKAHOE 226.00 2927  
67307 06/13/16 P0140 PIONEER MANUFACTURING CO, INC 999.00 2927  
67308 06/13/16 R0030 RIGGINS, INC. 3,830.83 2927  
67309 06/13/16 S0001 SAM'S CLUB 75.04 2927  
67310 06/13/16 S0020 SUPPLY WORKS 297.18 2927  
67311 06/13/16 S0031 SCHULER SECURITY, INC. 360.00 2927  
67312 06/13/16 S0134 SO. JERSEY GAS COMPANY 415.63 2927  
67313 06/13/16 S0153 STERICYCLE, INC. 171.08 2927  
67314 06/13/16 S0161 SPICA STEEL, INC./J.D.L.GARAGE 765.00 2927  
67315 06/13/16 S0165 S.E.T. COMMUNICATIONS INC 778.00 2927  
67316 06/13/16 S0196 STEWART BUSINESS SYSTEMS LLC 207.52 2927  
67317 06/13/16 S0232 SOUTH STATE, INC. 121,086.00 2927  
67318 06/13/16 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 2927  
67319 06/13/16 S0254 SHOPRITE 66.17 2927  
67320 06/13/16 S0279 SPECTROTEL, INC 1,123.16 2927  
67321 06/13/16 S0304 Steelman, Frank 24.20 2927  
67322 06/13/16 T0022 TERMINIX 59.00 2927  
67323 06/13/16 T0028 TRACTOR SUPPLY COMPANY CREDIT 389.39 2927  
67324 06/13/16 T0032 THE PRESS OF ATLANTIC CITY 427.89 2927  
67325 06/13/16 T0067 TOWNSHIP OF UPPER PETTY CASH 60.00 2927  
67326 06/13/16 T0080 TREASURER STATE OF N.J. 3,160.00 2927  
67327 06/13/16 T0131 TROUT, ROSEMARY 60.03 2927  
67328 06/13/16 T0168 TOWNSHIP OF UPPER 210.29 2927  
67329 06/13/16 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2927  
67330 06/13/16 V0001 VCI EMERGENCY VEHICLE 0.00 06/13/16 VOID 0  
67331 06/13/16 V0001 VCI EMERGENCY VEHICLE 4,367.31 2927  
67332 06/13/16 V0005 VAN EMBDEN, NATHAN, ATTORNEY 2,055.00 2927  
67333 06/13/16 V0013 VERIZON WIRELESS 1,164.87 2927  
67334 06/13/16 V0018 VILLAGE PHARMACY, INC. 30.00 2927  
67335 06/13/16 V0022 VERIZON 198.18 2927  
67336 06/13/16 V0024 VAL-U AUTO PARTS L.L.C. 969.16 2927  
67337 06/13/16 V0026 VITAL COMPUTER RESOURCES, INC. 83.25 2927  
67338 06/13/16 V0043 Vliet Carriann 24.20 2927  
67339 06/13/16 W0030 WEST PUBLISHING CO. 455.56 2927  
67340 06/13/16 W0048 WINNER FORD OF CHERRY HILL 33,426.00 2927  
67341 06/13/16 W0087 W.B. MASON 280.85 2927  
67342 06/13/16 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,316.25 2927

Total: 403,515.20